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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ALIMENTI, SUSAN C

ART UNIT PAPER NUMBER

3644

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,319

Applicant(s)

HAZENBROEK ET AL.

Examiner

Susan C. Alimenti

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15, 30, 31 and 33-60 is/are pending in the application.
- 4a) Of the above claim(s) 53, 54 and 60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30, 31, 33-46, 48-52 and 55-59 is/are rejected.
- 7) ☒ Claim(s) 15 and 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 31, and 34-52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 31 recites the limitation "the skin gripping means" in line 5. There is insufficient antecedent basis for this limitation in the claim.
4. Regarding claim 34, in line 9, the phrase "being adapted for moving said skin gripping line. . . during skinning," is awkward and confusing.
5. Claim 38 recites the limitation "the gripping line" in line 1. There is insufficient antecedent basis for this limitation in the claim.
6. Claims 35-52 are rejected as being dependent upon rejected base claims 34.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 30, 34, 46, 48 and 49 are rejected under 35 U.S.C. 102(a) as being anticipated by Jannesen et al. (US 6,142,863).

Janessen et al. (Janessen) discloses a device for processing and skinning poultry carcasses that includes all the limitations set forth in claim 30. The device comprises a conveyor 2a, 2b and supports 6 for moving and retaining the carcass along the skinning process. It also includes skin-gripping means comprising several pairs of meshed rollers 148, 150 and 152, rotateable in opposite directions for pulling the skin off in a manner that is perpendicular to the supply direction. It is noted that the "skin gripping line" as cited in claim 25 is defined as the imaginary line created by the path that the removed skin travels as it passes through the gripping means, which is transverse or perpendicular to the supply direction of the carcass indicated by arrow 142 in Figures 13a-13c.

Regarding claim 30, the "device" for discharging the skin is here defined as the natural force of gravity which will pull the skin out if the rollers, and down to the ground, once it has been removed from the carcass.

9. Claims 59 is rejected under 35 U.S.C. 102(b) as being unpatentable over Robinson et al. (US 3,541,637).

Robinson discloses a device for processing carcasses comprises a conveyor C having supports 24 for retaining the carcasses and leading them past at least one processing installation in a supply direction. Skin gripping means 60 clamp the carcass' skin and pulls the skin off said carcass as it moves along arm 180.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 31, 34-45, 50, 51 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (US 5,167,569).

Davis discloses the claimed invention except it is not positively disclosed as used for skinning poultry. Davis' device comprises a conveyor line defining a supply direction, having supports 76,78 for retaining a carcass 12 and passing it by at least one processing installation 10. A skin gripping device having rollers 18 that rotate in opposite directions for gripping the skin 14 and removing it from the carcass. Vertical adjustment means 28 and 20 move the skin gripping device in a direction that is perpendicular to the supply direction. Even though Davis' skinning device is shown for use with a larger carcass, a smaller carcass, such as a poultry carcass, could easily be accommodated. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Davis' device to pull the skin off of poultry carcasses since this is considered an obvious design choice as the device would perform equally well with either carcass.

Regarding claim 43, as seen in Figure 2, movement of the rollers is translated through belts 19 and 22, wherein one dominant roller drives the other.

12. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as applied to claim 34 above, and further in view of Callsen et al. (US 4,856,143).

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Davis discloses the claimed invention except the use of a sensor is not positively disclosed. Callsen et al. discloses a skinning machine that uses a sensor device for initiating fully automated response, enhancing efficiency of the system. It would have been obviously to one having ordinary skill in the art at the time the invention was made to incorporate a sensor in Davis' machine in order to automate his device, eliminating the need for manual intervention and increasing the efficiency of the entire process.

13. Claims 33, 55 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson et al. (US 3,541,637).

Robinson discloses the claimed invention except it is not positively disclosed that the device is used for poultry carcasses. Robinson's device comprises a conveyor C having supports 24 for retaining the carcasses and leading them past at least one processing installation in a supply direction. A skinner 60 with skin gripping means is provided with an arm 180 perpendicular to a supply direction, said skinner 60 is movable along said arm during skinning. Even though Robinson's skinning device is shown for use with a larger carcass, a smaller carcass, such as a poultry carcass, could easily be accommodated. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Robinson device to pull the skin off of poultry carcasses since this is considered an obvious design choice as the device would perform equally well with either carcass.

Regarding claim 33, an ejection plate 132 contacts the skin for ejecting is from the skin gripping means 60.

Allowable Subject Matter

14. Regarding claim 57, the skin gripper 60 pulls the skin off from a first extremity down to a second extremity. As best viewed in Figure 2 the skin is gripped in gripper 60 along a line that is perpendicular to a line connecting the first and second extremities.

Allowable Subject Matter

15. Claims 15 and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan C. Alimenti whose telephone number is 703-306-0360. The examiner can normally be reached on Monday-Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703-305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SCA



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